

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO THE)
AMENDED MASTER CONSOLIDATED) Chief Mag. Judge Marianne B. Bowler
CLASS ACTION)
)

**DECLARATION OF AIMEE E. BIERMAN IN SUPPORT OF
TRACK TWO DEFENDANTS' SECOND MOTION TO RENEW THEIR MOTION TO
COMPEL (DOCKET ENTRY NO. 2162) DIRECTED TO
NATIONAL HERITAGE INSURANCE COMPANY IN ITS CAPACITY AS THE
MEDICARE PART B CARRIER FOR MASSACHUSETTS**

I am an associate in the law firm of Kirkpatrick & Lockhart Nicholson Graham LLP, representing Defendant Aventis Pharmaceuticals Inc. I offer this declaration in support of the Track Two Defendants' Second Motion to Renew Their Motion to Compel (Docket Entry No. 2162) Directed to National Heritage Insurance Company in its Capacity as the Medicare Part B Carrier for Massachusetts.

1. Attached hereto as Exhibit A is a June 13, 2006 letter from Aimée E. Bierman to Benjamin M. Wattenmaker.
2. Attached hereto as Exhibit B is a June 28, 2006 letter from Aimée E. Bierman to Benjamin M. Wattenmaker.

I have not received a response to either of these letters.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 7, 2006

/s/ Aimée E. Bierman
Aimée E. Bierman

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Aimée E. Bierman
Aimée E. Bierman